

Langhorne Borough Council Meeting
February 14, 2024

A Langhorne Borough Council Meeting was held at Council Chambers on Wednesday, February 14, 2024. President Culleton called the session to order at 7:32 p.m. and invited those in attendance to pledge allegiance to the Flag.

IN ATTENDANCE: President Nancy Culleton; Vice President Kathleen Horwatt; Councilpersons Tony Marfia, Tim Harris, and Bob Cumming; Solicitor Barbara Kirk; Police Chief John Godzieba; Treasurer Ellyn Schoen; Manager Steve Bradshaw; Clerk Gabriel Tenaglia.

Chief Godzieba left at 7:53 and returned at approximately 9:40.

ABSENT: Mayor Joe Taylor, Councilpersons Kristen Farry and Scott Haldeman

AGENDA REVIEW: President Culleton explained some of the items on the agenda.

ANNOUNCEMENTS AND PRESENTATIONS:

Retiring Police Officer Dan Boyle: Mr. Boyle could not attend the meeting, so it was decided that Mayor Taylor will present him with the certificate of appreciation at another time.

Eagle Scout Project Presentation: Langhorne Open Space President Patrick Carr announced that Eagle Scout Kyle Lewis has a plan to redo the entrance to the Catawissa Trail's north entrance. He will remove the picnic table and put in 10 x 10 bluestone tile base that was donated by the Langhorne Stone Company, as well as add benches and a bulletin board with money from fundraising. There were discussions on other possible improvements the Eagle Scouts could make to the trail. Mr. Carr suggested amending the motion to say "with changes" to reflect the ongoing nature of the scope of the work.

MOTION: On motion of Vice President Horwatt, seconded by Councilperson Marfia, Council voted 5-0 to approve the Eagle Scouts' proposed project on the north entrance of the Catawissa trail, with changes.

PUBLIC COMMENT: Carol Zetterberg, 129 West Marshall Avenue, praised the Eagle Scouts for their contributions to the community. Mr. Carr then gave a brief Open Space report, informing Council that there are a few trees and big limbs down at the farm that will be taken care of shortly.

MAYOR'S REPORT: No report.

POLICE CHIEF'S REPORT: Chief Godzieba gave an update regarding the hack on the county's communications system. Most of the service was recovered and the community dispatch system has been restored.

PUBLIC & COUNCIL DISCUSSION: Vice President Horwatt asked about the signs and barriers at Winchester and RT413. Chief Godzieba explained that they are there because a clump of bamboo collapsed during the snow and the northbound lane was shut down.

COUNCILPERSON FARRY'S RESIGNATION: President Culleton read aloud a letter from Councilperson

Farry informing Council that she would be resigning from Council to focus on personal matters. Solicitor Kirk suggested setting up a timetable with applications to be submitted to appoint another Council member, as the Borough has 30 days after approving Councilperson Farry's resignation to find a replacement. A deadline of February 27th was set for the applications and a vote on a resolution to appoint the new Council member will take place at the March 13th Council Meeting.

MOTION: On motion of Vice President Horwatt, seconded by Councilperson Cumming, Council voted 5-0 to accept the resignation of Councilperson Farry, with regrets and great appreciation of her service as member of Langhorne Borough Council.

ORDINANCES 2024-1A and 2024-1B: President Culleton recommended postponing the vote on the two ordinances until March for further review. Solicitor Kirk made it clear for the record that the Borough complied with the requirements of the municipality's planning code, and therefore there is no need to re-advertise the ordinances or the date of the vote.

MOTION: On motion of Vice President Horwatt, seconded by Councilperson Cumming, Council voted 5-0 to table Ordinances 2024-1A and 2024-1B due to concerns about the property and to give time for the Borough's Planning Commission to review them, and to vote on them at the March 13th meeting.

UPDATED ZONING MAP: Solicitor Kirk noted that all the requirements to vote on the ordinance in March have been met.

MOTION: On motion of Vice President Horwatt, seconded by Councilperson Cumming, Council voted 5-0 to approve advertisement of Ordinance 2024-1C: ADOPTING AN UPDATED ZONING MAP FOR THE BOROUGH TO INCLUDE TND OVERLAY DISTRICT, TO REPEAL INCONSISTENT PROVISIONS, AND TO ESTABLISH SEVERABILITY AND EFFECTIVE DATE.

VOLUNTEER SERVICE CREDIT PROGRAM: Solicitor Kirk stated that the notice requirements have been met. Solicitor Kirk pointed out corrections that need to be solidified and advised Council to modify the motion to approve by adding "with revisions as discussed."

MOTION: On motion of Councilperson Marfia, seconded by Councilperson Cumming, Council voted 5-0 to approve, with revisions as discussed, Ordinance 2024-02: ESTABLISHING A VOLUNTEER SERVICE CREDIT PROGRAM, AUTHORIZING LOCAL TAX CREDITS FOR VOLUNTEERS OF VOLUNTEER FIRE COMPANIES, AND ESTABLISHING ADMINISTRATIVE PROCEDURES AND APPEALS.

ENGINEER'S REPORT:

Country Club Lane: No update. Solicitor Kirk has not been able to contact additional homeowners who have not yet signed the petition.

Crestwood – Bellevue Avenue Residential Development Project: All variances requested by Toll Brothers were denied by the Zoning Hearing Board. Pending ordinance revisions affecting the tract were reviewed by Bucks County Planning Commission per their letter dated February 7th, 2024. Decision will be made available once it is ready.

141-151 W. Maple Ave. Minor Subdivision: The Borough Manager notified CKS that the revised plans were received the first week of February. Solicitor Kirk asked about the existing building and the dispute

in ownership of the apartments. Mr. DiPersio said that CKS is awaiting a response from the Borough's Zoning Officer. Solicitor Kirk said that she informed the applicant's attorney and told Council what was discussed.

Route 413 Storm Inlets and New Pedestrian Crossing: Mr. DiPersio advised that the Borough should accept the lowest bid from G&B Construction. CKS is still awaiting return comments from PennDOT on the Highway Occupancy and Signal Permits. A Resolution will be required to allow for future execution of a Traffic Signal Maintenance Agreement (TSMA). The Solicitor is working with 7-11 ownership on a necessary easement, as a small corner of their lot is affected. Mr. DiPersio said that the total cost of the project includes the add alternates discussed at the previous Council meeting: the Maple Avenue crosswalk mats and the additional inlet at the 7-11 intersection. President Culleton asked about the timeline for construction. Mr. DiPersio replied that CKS hopes to be done in the spring or summertime. Councilperson Cumming asked about the RDA grant the Borough was awarded for the project. Mr. DiPersio said that the grant was for \$274,000, which gives the Borough roughly \$65,000 of flexible spending should the project require adjustments or PennDOT requires changes to the design.

MOTION: On motion of Vice President Horwatt, seconded by Councilperson Cumming, Council voted 5-0 to approve G&D Construction's bid for the Route 413 Stormwater Inlet Improvement and Pedestrian Crossing project in the amount of \$208,670.80.

The Mayor's Playground: CKS recommends pursuing the PA COVID-19 ARPA Multi-Purpose Community Facilities Grant as discussed at the January 25th, 2024 Work Session. A "community center" element with facilities beyond restrooms is recommended for closer alignment with grant program goals. CKS supplied a tentative timeline that should be followed for a timely grant application. Council will need to make a motion to have CKS prepare the grant application and any supplementary materials for submission before the April 20th, 2024 deadline. The Solicitor will discuss with the school district's counsel, with additional detail on the project. Mr. DiPersio also advised that this issue go before the Recreation Board at its March meeting. Vice President Horwatt offered try to get the Rec Board to meet with the Planning Commission, and Mr. DiPersio said that it would be very helpful if they were at the PC meeting next week. Council discussed the timeline for the project, and Mr. DiPersio said that CKS would start if the motion is made this evening. Mr. DiPersio said that CKS' goal is to have the plan ready for the work session at the end of this month, and if the Rec Board could attend the PC meeting, CKS could implement their feedback and then present it at the work session.

DISCUSSION: Councilperson Marfia asked if Solicitor Kirk received a copy of the agreement of sale for the playground, and she replied that she had and explained the agreement. Denette Runowski, 104 East Richardson Avenue, suggested that handicap accessibility could be raised to the school district as an issue. Solicitor Kirk and Vice President Horwatt said that accessibility was not so much the issue as having to build additional structures to better meet grant requirements.

MOTION: On motion of Councilperson Cumming, seconded by Councilperson Marfia, Council voted 5-0 to adopt the application timeline and have the Borough Engineer prepare application and supplementary materials to file for the ARPA Multi-Purpose Community Facilities grant for the Mayor's Playground.

MOTION: On motion of Vice President Horwatt, seconded by Councilperson Cumming, Council voted 5-0 to approve the minutes for the January 10th Council meeting and the January 25th Work Session.

MOTION: On motion of Councilperson Marfia, seconded by Councilperson Cumming, Council voted 5-0 to approve the sign permits for the American Legion Soby Post Easter Breakfast.

DISCUSSION: Manager Bradshaw said that the Post hoped to have two banners, but will settle for one. Council agreed that there was no issue with them having two banners.

MOTION: On motion of Vice President Horwatt, seconded by Councilperson Marfia, Council voted 5-0 to approve the LBBA Summer Concert Series, every other Wednesday from May 29th to August 28th, from 5:30 -9:30 p.m.

MOTION: On motion of Vice President Horwatt, seconded by Councilperson Cumming, Council voted 5-0 to approve the LBBA Car Show, June 15th from 12:00 – 7:00 p.m.

MOTION: On motion of Councilperson Cumming, seconded by Vice President Horwatt, Council voted 5-0 to approve the Treasurer's report.

MOTION: On motion of Councilperson Cumming, seconded by Councilperson Marfia, Council voted 5-0 to pay the bills.

MANAGER'S REPORT:

- Borough's street lights.
 - Three "cobra head" style lights were recently installed. Three black "colonial" style lights still need to be addressed. 6 LED fixtures are currently working but do not have lenses. After some discussion, Council elected to use frosted lenses to mute the light.
 - There are a few poles that still need securing; they will be taken care of next week.
 - Middletown Township has up to 60 black "colonial" style LED lights for purchase at \$350 each.
 - Armour & Sons can order the exact same fixture the Borough currently has for \$1,573 each.
 - There are several possible grant options to upgrade all the Borough lights to LED.
- Worn out street signs are being ordered from Middletown
- Manager Bradshaw sent Representative Joe Hogan a list of unused utility poles and he is working on having them removed.

DISCUSSION: Councilperson Marfia asked how the Borough determines when lights are out, and Manager Bradshaw said that it is as-reported.

COMMITTEE, BOARD & COMMISSION REPORTS:

Fire Company: No report.

Environmental Advisory Council: President Culleton reminded Council of the item raised by EAC Chair Rich Mason at the last Council meeting, asking Council to authorize the EAC to get an estimate from CKS to determine the cost of work on the retention basin behind the Methodist Church.

MOTION: On motion of Councilperson Cumming, seconded by Vice President Horwatt, Council voted 5-0 to authorize the Environmental Advisory Committee to get an estimate from CKS to determine how

much of the retention basin can be retrofitted.

DISCUSSION: There is discussion about the scope of the estimate and the nature of the work, as well as the possibility of applying for grants. Vice President Horwatt explained to Mr. DiPersio that the objective is to retrofit enough that the Borough gets enough sediment reduction credits. Mr. DiPersio asked for a copy of the easement with Methodist Church and suggested notifying Middletown of any work to be done. Vice President Horwatt asked if the Borough is required to let others use the stormwater. Mr. DiPersio and Solicitor Kirk explained that anyone looking to develop land near the basin will be responsible for their own stormwater management and the creation of their own basin.

HARB: Councilperson Marfia said that the HARB application submitted by property owner James Rogers for the fence at 235 North Bellevue Avenue was approved unanimously.

MOTION: On motion of Councilperson Cumming, seconded by Councilperson Marfia, Council voted 5-0 to approve the HARB report.

Heritage Farm/L.O.S.I.: No further report.

Planning Commission: Planning Commission Chair Paul Schneider said that the Bucks County Planning Commission offered to revamp the Borough's Zoning Book. No cost has been decided, but Mr. Schneider spoke to the BCPC regarding the process. They are working on a proposal with an estimate of cost and an estimated timeline, but the project will likely take two years. There is grant funding available for up to 50% of the cost.

MOTION: On motion of Vice President Horwatt, seconded by Councilperson Cumming, Council voted 5-0 to authorize the Borough Manager to obtain a proposal from Bucks County Planning Commission for estimate of costs and summary of process for review and updates to the Zoning Ordinance.

DISCUSSION: The Planning Commission will talk with the Engineer and Solicitor regarding their fees, which would be in addition to the cost of the work on the Zoning Ordinance, but would be covered by the grant.

Recreation Board: Vice President Horwatt reminded Council of the upcoming Easter Egg hunt and thanked LBBA for having an announcement on their website. She thanked Councilperson Haldeman, President Culleton, Mr. Mason, and Mr. Schneider for their donations.

Shade Tree Commission: No report.

Communications Team: Manager Bradshaw has received several submissions for the Borough Motto. Manager Bradshaw will compile the submissions and the Communications Team will submit them for Council's approval.

TRAFFIC SIGNAL MAINTENANCE AGREEMENT: Solicitor Kirk explained that PennDOT has very specific terms with traffic signal maintenance and needs a resolution saying that someone from the Borough is authorized to submit the Traffic Signal Maintenance Agreement. Council discussed the nature of the resolution and who is responsible for the maintenance.

MOTION: On motion of Councilperson Cumming, seconded by Councilperson Harris, Council voted 5-0

to approve Resolution 2024-04: AUTHORIZING AND APPROVING THE EXECUTION AND SUBMISSION OF TRAFFIC SIGNAL MAINTENANCE AGREEMENT REQUIRED BY THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR THE CONTINUED MAINTENANCE OF AUTHORIZED TRAFFIC SIGNALS INSTALLED WITHIN THE BOUNDARIES OF THE BOROUGH.

HECKMAN PROPERTY PROFESSIONAL SERVICES AGREEMENT: The Borough received a request for a meeting of professionals from Erin Development’s Solicitor to discuss issues. President Culleton explained that the Borough Solicitor has drawn up a Professional Services Agreement which requires the developer to put \$2,500 into escrow to cover the Borough’s professional services fees. Councilperson Marfia asked how much of a voice the Borough has in the sale. Solicitor Kirk said that the Borough could have input into the proposed development.

MOTION: On motion of Councilperson Cumming, seconded by Councilperson Marfia, Council voted 5-0 to approve Resolution 2024-05: AUTHORIZING AND APPROVING THE PROFESSIONAL SERVICES AGREEMENT FROM ERIN DEVELOPMENT CO. REGARDING PROPERTY LOCATED AT 201 CHERRY STREET, BEING COMMONLY KNOWN AS HECKMAN SCHOOL WITHIN THE BOROUGH.

SCANTEK PROPOSAL: Scantek sent a proposal for \$17,940.15, most of which would be covered by a residual ARPA grant for about \$15,000. President Culleton said that the Borough would need to put forth the difference in funds. Manager Bradshaw said that he is trying to get the cost as close to \$15,000 as possible. Scantek has offered to pre-purge for \$35 a box which could help lower the overall cost before scanning takes place. President Culleton noted that if the Borough ever decided to end its contract with Scantek, all the Borough’s files would be returned in digital format.

MOTION: On motion of Vice President Horwatt, seconded by Councilperson Marfia, Council voted 5-0 to authorize moving forward with the Scantek records digitizing project.

APPOINTMENT OF MEMBERS TO HUMAN RELATIONS COMMISSION: President Culleton said that they will appoint Human Relations Commission members at 4-year terms. The makeup of the Commission will be 3 voting members and 2 alternates. President Culleton announced the voting members and the alternates. Councilperson Harris asked about the criteria by which the candidates were evaluated, and about what oversight there is of the commission and if they must report to Council. President Culleton discussed the appointees’ qualifications and how she selected them, and explained how the commission will vote. She said that the commission does have to report to Council.

MOTION: On motion of Vice President Horwatt, seconded by Councilperson Marfia, Council voted 4-0 to appoint the following members to the Human Relations Commission: voting members Kari Thomas for a 4-year term ending December 31st 2027, Danny Thomas for a 3-year term ending December 31st 2026, Janet Burns for a 2-year term ending December 31st 2025, and alternates Marianne Stahl for a 3-year term ending December 31st 2026, and Carol Deaver for a 2-year term ending December 31st 2025. Councilperson Cumming abstained.

ENDO INTERNATIONAL PLC: Solicitor Kirk explained that Endo International PLC is a pharmaceutical company subject to a litigation that filed for chapter 11 bankruptcy. The motion allows the Borough to be kept advised of developments relating to Endo International PLC’s bankruptcy and ongoing litigation, and to participate in any ultimate trust fund established because of litigation.

MOTION: On motion of Councilperson Cumming, seconded by Councilperson Marfia, Council voted 5-0

to approve the ballot to accept the Second Amended Joint Chapter 11 Plan of Reorganization of Endo International PLC and its affiliated debtors and the proxy for voting on scheme of arrangement of Endo International PLC, for associated opioid litigation, and the authorize the Borough Manager and/or Solicitor to sign all necessary documents, prior to February 22nd, 2024 deadline for submission.

MOTION: On motion of Councilperson Cumming, seconded by Councilperson Marfia, Council voted 5-0 to authorize Resolution 2024-07: ESTABLISHING THE OFFICE OF PRESIDENT PRO TEM, REPEALING INCONSISTENT RESOLUTIONS, PROVIDING A SEVERABILITY CLAUSE, AND ESTABLISHING AN EFFECTIVE DATE.

MOTION: On motion of Councilperson Cumming, seconded by Councilperson Harris, Council voted 5-0 to authorize Resolution 2024-08: ADOPTING RULES OF PARLIAMENTARY PROCEDURE, REPEALING INCONSISTENT RESOLUTIONS, PROVIDING A SEVERABILITY CLAUSE, AND ESTABLISHING AND EFFECTIVE DATE.

PUBLIC SAFETY ISSUES: With the current ordinances, Fire Chief Farry does not have clear authority to enforce fire safety. There are also no fire inspections in the Borough. President Culleton said that she would like Manager Bradshaw to coordinate a meeting to discuss what can be done and next steps. Solicitor Kirk explained that the Borough lacks the authority to enforce fire codes, but the Borough can issue citations for violating fire safety ordinances.

PUBLIC COMMENT: Vice President Horwatt asked Manager Bradshaw about next steps for replacing the pillar at the Mayor's Playground. He said he will investigate and report back. Vice President Horwatt then asked about approving the work, and Solicitor Kirk suggested addressing that item in the upcoming work session.

Treasurer Schoen said that the neon light is back up in the smoke shop on East Maple. There was discussion about whether the smoke shop owner had ever been told that he cannot put the sign up. Manager Bradshaw said that he will talk to him, and Solicitor Kirk asked that if anyone sees him put the sign up again, they should take a picture for confirmation.

EXECUTIVE SESSION: President Culleton announced that Council would enter an Executive Session at 10:22 p.m. The Executive Session ended at 10:59 p.m.

ADJOURNMENT: With no other business, on motion of Councilperson Cumming, seconded by Councilperson Harris, Council voted 5 to 0 to adjourn at 11:02 p.m.

Respectfully submitted,

Steve Bradshaw, Borough Manager / Secretary

Next Council Meeting: March 13, 2024, at 7:30 p.m.